

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

September 2, 1997

UNITED STATES OF AMERICA,)	
Complainant)	
)	8 U.S.C. 1324a Proceeding
vs.)	
)	OCAHO Case No. 97A00096
BARCO TRADING, INC.,)	
Respondent)	

ORDER OF DISMISSAL-SETTLED

On April 17, 1997, complainant, acting by and through the Immigration and Naturalization Service (INS), commenced this action, which arises under the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324a, by having filed a Complaint consisting of four (4)-counts with the Office of the Chief Administrative Hearing Officer (OCAHO), alleging one (1) illegal hire violation and 57 paperwork violations.

On August 15, 1997, the parties jointly filed a Motion to Dismiss, together with a fully executed five (5) page Settlement Agreement, in which they advised that they had reached a compromise settlement of all matters in controversy.

Under § 68.14(a) of the OCAHO Rules of Practice and Procedure, where the parties have entered into a proposed settlement agreement and have notified the Administrative Law Judge, a final dismissal of the action is subject to approval of the terms of the settlement agreement by the Administrative Law Judge.

Upon a careful and thorough review of the Settlement Agreement, it is found that the terms set forth therein are fair and reasonable and constitute an appropriate settlement pursuant to § 68.14(a).

Accordingly, it is found that:

1. Respondent has withdrawn its request for hearing on the merits; and
2. That each party shall bear its own costs and attorney's fees; and

3. That respondent will pay a civil money penalty in the total amount of \$10,000 in the manner set forth in the Settlement Agreement; and

4. That it is appropriate to grant the parties' joint Motion to Dismiss based upon the parties' notification made pursuant to § 68.14(a)(2); and

5. That complainant's April 17, 1997 Complaint is hereby ordered to be and is dismissed with prejudice to refiling.

Joseph E. McGuire
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of September, 1997, I have served copies of the foregoing Order of Dismissal-Settled to the following persons at the addresses shown, in the manner indicated:

Office of Chief Administrative Hearing Officer
Skyline Tower Building
5107 Leesburg Pike, Suite 2519
Falls Church, Virginia 22041
(original hand delivered)

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Cathleen Lascari
Legal Technician to
Joseph E. McGuire
Administrative Law Judge
Department of Justice
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Hearing Officer
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